Previous references.

File No. 258 of 04-0

1905.

Serial Nos. 1 to 6.

(III Courts.)

Later references.
dis 200-14

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 6

Part B. for July 1905.

SUBJECT.

Age limit of persons appointed to a Judicial office directly from the Bar and their exemption from Art. 321 of the Service Regulations.

FILE No. 258 of 1904.

Age limit of persons appointed to a Judicial office directly from the Bar and their exemption from the operation of Article 321 of the Mysore Service Regulations.

1 From the Registrar of the Chief Court of Mysore, No. 5611—319, dated the 12th April 1905.
Requests that the age limit of these persons may be raised from 30 to 35 and that they might be exempted from the operation of Acticle 321 of the Mysore Service Regulations.

2 To the Registrar, Chief Court, No. J. 3093, dated 1st May 1905.
Requests him to forward a copy of the Madras Rule above referred to.

3 From the Registrar, Chief Court, dated 2nd May 1905.
Forwards copies of Articles 51 and 478 of the Civil Service Regulations and Government Order No. 892 Judicial, dated 6th June 1904.

4 To the Comptroller to Government, No. J. 3455, dated the 30th May 1905.
Requests him to submit for the approval of Government a draft of amendment of Articles 43 and 321 of the Service Regulations raising the age limit of persons appointed directly from the Bar from 30 to 35 and exempting them from the operation of Article 321 of the said Regulations.

5 From the Comptroller to the Government of Mysore, No. 7202—Spl. 115, dated the 6th June 1905.
Submits for approval a draft of addenda and corrigenda as desired.

6 To the Registrar, Chief Court, and the Comptroller, No. J. 159-160, dated the 12th July 1905.
Approves of the addenda and corrigenda.

G. R. S

G. R. S. 11] 1904.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 258.

FILE HEADING.

Age limit of persons appointed to a judicial office directly from the Bar. & their exemption from Art 321 of the Service Regulations

From

The Registrar of the Chief Court of Mysore.

No. 5611/319 Dated 12-4-05 Received 14-4-05

Diary No. J2147	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

Requests that the age limit may be raised from 30 to 35 in the case of persons appointed to a judicial office directly from the Bar as in Madras. & that such persons may be exempted from the operation of Art 321 of the Service Regulations.

NOTES AND ORDERS.

1) It is stated that if the proposal, if accepted, will facilitate the selection of men who have acquired experience in mofussil & who are likely to make better judicial officers. Then Art 43 of the Service Regns will have to

NOTES—First sheet.

MGCPB—25,000—18-8-04

Serial No.

be amended & suitably. Also Rule 321 of the Civil Service Regulations. A copy of the rules as amended does not accompany.

RWF for addn

WD 17/4/05 2 Art 321 relates to reduction of pension in the case of officers whose qualifying service begins after 30 years - the pension here is reduced by 1/40th for every year or part of a year by which his age exceeded 30 years at the commencement of the qualifying service.

WD 17/4/05 3 The raising of the limit of age seems to be a move in the right direction. If the proposal is accepted, the following words will have to be inserted in Art: 43 (after the words "Judicial Office"):- "or, where the person so appointed is a member of the legal profession, to thirty-five years."

4 It is not clear that an exemption from the provisions of Article 321 is quite necessary. A man who enters service at a later age must necessarily be in a worse position as regards pension than one who enters earlier, & there seems to be nothing unfair in this deduction.

dec 7

Submitted to the Secretary to Govt

Serial No.

2398/18-4-05

Thro the 7th Commissioner for orders

W 17-4-1905

5 The proposal to raise the age limit may be abandoned. The addition to article 43 suggested by the Dy Secy seems suitable and may be sanctioned. If in Madras an exemption has been made as stated by the Registrar & thereby it is desirable that a similar exemption should be made in Mysore by suitably modifying our article 321. A copy of the Madras Rule may be obtained and the needful done. CP.

19-4-05.

W 19.4.1905 Honour

6087/20.4.05

6 Agree with Council with the Madras Rule Government if I am agreeable when change: experience will make our Judges more experienced & trustworthy 27.4.05

6136 To the Registrar for circulate 30/4/1905

Also copy to d. A. Regr for a. cps

Madras Rule W 1.5.05

MGCPB—20,000—1-11-04.

R.S. 12]

General and Revenue Secretariat.

File No. 78 of 1904

Serial No.

Draft Letter

Draft Letter

1. Issue & then send Whee

1/5/05 to Registrar for cl. 4. M 1-5-05

&

Issued & Subd to the Registrar as directed

SR 2/5/05 mch 2/5/05

To the Council Clerk.

SR 3/5/05

MGCPB—20,000—1-11-04.

G.R.S. 12]

General and Revenue Secretariat.

File No. 258 of 190 6

5

Serial No.	
A	Raising the age limit of persons appointed to a Judicial office Quiet from Registrar of the Ch. Ct. & the 2nd May 1905. Forwards copies of articles 57 & 479 of the Civil Service Regulations with a copy of G.O No. 892. Jud. & 6/6/04. amending these 2 articles as regards judicial appointments to the Provincial service Quiet from Registrar. Subd. The Enclosed papers were forwarded to the Registrar H/C on 8/5/05 for circulation among Councillors. This will present to him in Contemplation. 8/5/05 8/5/05 10 Gs 8/5/05 Subd The Registrar 8/5/05 8/5/05 to the Council Clerk 8/5/05

MGCPB—20,000—1-11-04.

C 646.

GENERAL AND REVENUE SECRETARIAT.

6

Matter for Council Meeting to be held on

at

Subject.

Proposal to amend article 43 of the Service Regulations so as to raise the age limit from 30 to 35 in the case of persons appointed to a Judicial office directly from the Bar, and to exempt them from the operation of article 32 of the said Regulations in the matter of reduction of the pension proportionate to

Circulated to Councillors. with a copy of the Madras Rules on the subject.

By Order,

3/5/1905.

Secretary.

C.402/10.5.1905 Cooty

1 Rajamantra Pravina C. Sreenivasaiengar Esqr. First Councillor

2. Rao Bahadur C. Madaiah Esqr. Second Councillor

2/5/11-5-05

The amendment & exemption in question, are both in accordance with the revised rule in force in British India & may be sanctioned.

C. Sreenivasaiengar 10/5/05.

G.R.S. 12]
General and Revenue Secretariat.

File No. 258 of 1904

Serial No.

I am agreeable to the proposed amendment of article 43 M.S.R. & O. and deem the advantage, as observed by Doveton, of securing the services of experienced men to the Judl Dept.

In regard to the proposed exemption under article 321 M.S.R. & O. I am of opinion that it should be extended to all officers irrespective of the Dept to which they belong. The admission of persons to service after they have attained the age of 30 yrs is not ordinarily permitted except on special grounds & which I presume is not the case. That any person if appointed will perform his duties efficiently after he arrives to or the

NOTE—Contn. sheet.

MGCPB—20,000—1-11-04.

Serial No.

inapplicable rule
his pension be reduced
by 1/40 for each year by
which his age exceeds
30 years, knowing that
the total period of his
service for reckoning
a superannuation pension
at the age of 55 years
is limited to 25 years.
If necessary a proviso
may be added to article
321 to the effect that
persons sanctioned
Govt. shall be entitled
before attaining
the age of 30 yrs. to
dying among with the
distinction & abolishing
the reduction contemplated
in article 321 M. S. R.
Perhaps there is no harm
in also going a little
in advance of B. India
instead of following

Serial No.

them in their respective
cadres as is now proposed to
do

13/5/05

6538
13.5.05

14 Ask the Committee to
submit draft-alteration
and by exempting the
provisions of 3 2 1 in the case
of those above up to 35 years
admitted in service
directly from the Bar.

6579 21.V.05

15 Draft accd
to
22.5.1905

16
Draft Sd
24/5/05
SN 24/5/05

6538
24/5/05

17 Submit
24.5.05

Sd/s
8/6/05

4. To the Comptr to the Govt of Mysore No. J3455
of the 30th May 1905.

Requests him to submit for the approval
of Govt a draft of amendment of the
Judicial Service Regulations
raising the age limit of persons appointed
directly from the bar from 30 to 35 and

Serial No.

exempting them from the operation of Art 321 of the Civil Regulations

5 From the Comptr Genl's No. 2202/115 dated 6th January 1905

Submits for approval a Draft Addenda & Corrigenda

18 Sept. with a Draft order

9/6/05 10/6/05 Lcd 16/6/05

10/6 Draft Submitted to the Secretary

10/6/05

709 SH
14.6.65

6 To The Registrar, Chief Court & the Comptroller

7 J 159-160/Ct 258-6 of 12.7.05

Approves of the above addenda & corrigenda missing according to which the age of persons appointed duelly pass the Govt Office limit ~~is raised~~ from 30-35 and such persons ~~are excluded~~ from the operation of article 321(a) of the Service Regulations.

including

NOTE.—Contn. sheet.

MGCPB—50,000—17-2 05

11

Submitted to His Highness

20 With a view to obtain the services of men of experience and training, the Chief Court propose (1) that the age limit of persons appointed to a Judicial Office directly from the Bar, be raised from 30 to 35, instead of 30 as at present, and (2) that such officers be exempted from the operation of Article 321, under which their pension is subject to certain deductions. These proposals are in accordance with the revised rules in British India, and will promote the selection of more trustworthy and experienced men to the Judicial Department.

A

21 The recommendation may be graciously sanctioned and the appended addenda and corigenda to the Mysore Service Regulations approved.

6.VII.03

Draft of addenda and corrigenda to the Mysore Service Regulations. (Second edition)

Page 14. Article 43.

Insert the following words after the words "Judicial Office" in line 4 of this article:-

"or 35 years in the case of persons admitted directly from the bar."

Page 98 Article 231(A)

Insert the following as note 2 under this article:-

Note 2. – Persons appointed to a judicial office directly from the bar are exempted from the operation of this article."

/3

Record of Case submitted for the orders of His Highness the Maharaja.

Subject.

Proposal to raise the age limit of persons appointed to a Judicial office directly from the Bar from 30 to 35.

Order.

Approved

~~K.P.W.~~

11/7/05

Order sent
11.VII.05.

12.7.1905

12-7-05-

G.R.S. 12]

General and Revenue Secretariat.

File No. of 190

Serial No.	
6	To The Registrar Chief Court & the Comptroller J 159-160/Ct 258-6 of 12.7.05 Approves of the above addenda & corrigenda raising the age of persons appointed directly from the bar to judicial offices and exclues such persons from the operation of article 321(a) of the Service Regulations.

NOTE.—Contd. sheet.

MGCP-B—50,000—17-2-05

N 5611
319
Courts

J 2147

Bangalore

12th April 1905.

From

V. A. Rajaratna Mudaliar, Esqr.

Registrar, Chief Court of Mysore.

To

B. K. Venkata Varadiengar, Esqr.

Secretary to Government,

General and Revenue Departments.

III
mm 6
14/4/05 Sir.

I am directed to request that Government may be pleased to raise the age limit from 30 to 35 in the case of persons appointed to a Judicial office directly from the Bar as in Madras. This will facilitate the selection of men who have acquired a certain amount of experience in the profession and who are likely to make better Judicial officers

Officers than those who, though younger in age, are not likely to have had a good legal training Though Article 43 of the Mysore Service Regulations does not absolutely prohibit the appointment of men over 30 the ordinary limit itself might with advantage be fixed at 35, and persons so appointed should be exempted, as in Madras, from the operation of Article 321 of the Service Regulations.

I have the honor to be

Sir,

your most obedient servant;

K Rajaratnam

Registrar

mkn

3

G.R.S. 26]

File No. 258

Serial No. 2

Diary No. of letter replied to

No. 9 3053.

General and Revenue Secretariat
(Courts.)
the 1st May 1905

To

The Registrar of the Chief Court of Mysore

Date of issue 1st May 1905

Signed by M.R. Chandrashekhar
Asst S

His letter no. 561 I/315 dated the 12th April 1905 requesting the raising of the age limit, in the case of persons appointed to a judicial office directly from the bar, and stating that these persons may be exempted, as in Madras, from the operation of art: 321 of the Mysore Service Regulations —

from 30 to 35.

—

Has the honor to request that he be so good as to obtain & forward for reference a copy of the Madras rule above referred to.

By order
1/5/05
Secretary

SUBJECT
1/5/05

51. A person whose age exceeds twenty-five years may not ordinarily be admitted into the service of the State (see orders printed as Appendix 2). The ordinary limit is extended to-

(a) Thirty years in the case of

(i) A person appointed to a Judicial office,

(ii) Civil Assistant Surgeons in Burma, who held Burma Medical scholarships at the Calcutta Medical College

(iii) Candidates for admission to the Subordinate Civil Service in Burma by competitive examination.

(b) Twenty-eight years in the case of

(i) Civil Assistant Surgeons in the Bengal Presidency and in Burma who had taken a University Degree, or had passed the First Arts Examination before commencing the study of medicine

(ii) Civil Assistant Surgeons in the Bombay Presidency who had passed the previous Examination in Arts before taking the Medical Degree;

(iii) Civil Assistant Surgeons in the Madras Presidency who had passed the First Arts Examination

before

before entering on the course for the degree of Licentiate in Medicine and Surgery; and those who had gone through the course for the degree of Bachelor of Medicine before entering the Service

Note.— (This article does not apply to the employment in Civil Capacities of reservists and pensioners of the Native Army.)

476. (a) A superannuation pension, or an Invalid pension granted on account of incapacity for further service, due to old age or natural decay from advancing years, shall, if the Officer's qualifying service began after the 20th January 1871 and after he attained the age of 30 years, be reduced by one-fortieth for every year or part of

a

a year, by which his age at the commencement of his qualifying service exceeded 30 years.

Note. — (Article 478 (a) is not applied in the case of an officer re-employed after discharge owing to abolition of appointment or ill-health.

In the case of an officer re-employed after resignation, or discharge for misconduct or inefficiency, the words "exceeded 30 years" at the end of Article 478 (a) should read "exceeded the sum of 30 years and the terms of the previous qualifying service.")

Note. 2. (The amount of pension under this article is now -

$P.\left(\frac{70-x}{40}\right)$; Where P. is the full pension and x is the age at entry into service (and therefore greater than 30))

Note. 3. - (In the case of Jail officers who, previous to joining the Jail

Department

Department, had served in the Army, the limit of age for the purpose of this article is 38 years.)

Note 4. — (This article does not apply to Post Officers in Madras or to the Officers subject to articles 403 and 404)

(b). Gratuities are not subject to any reduction, and in the case of pensions the fixed limits are those applied before, and not after making the reduction.

Copy.

Major Attached

Registrar.

HD

9

Copy of G. O. No 892, Judicial, dated 6th June 1904

Read again G. O. Nos 594-5, Judicial, dated 25th April 1903.
1400-1 23rd Septr 1903

Read the following paper:

From the Government of India, Home Depart
No. 840, dated 19th May 1904

Order:— No 892, dated 6th June 1904.

The Honourable the Judges of the High Court will be informed that the Government of India have intimated that sanction has been accorded by the Secretary of State to the proposal that, in the case of persons appointed to a Judicial Office in the Provincial Service directly from the Bar, the limit of age prescribed under Article 51 of the Civil Service Regulations should be extended to 35 years and that they should be exempted from the operation of Article 478 Civil Service Regulations.

(True extract)

Copy
Registered
Registrar

Sd/- H. Hamnick
ag. Chief Secretary

G.R.S. 26]

10

Courts
File No. 258
Serial No. 4

Diary No. of letter replied to

No. 93455
C: 258-4/30/5/05

General and Rev. Secretariat
(Courts)
, the 30/5/ 1905.

To

The Comptroller to the Govt of
H.H. the Maharaja
of Mysore.

Date of issue 30/5/05

Signed by C.R.S. K.S. Chandrasekhara
Asst Sec.

Sir,

Received
of 1/6/05
& 2/6/05

With a view to obtain the services of men of experience and training as judicial officers, the Government have under consideration the desirability of raising the age limit of persons appointed to such offices directly from the ~~bar~~ Bar from 30 to 35. With this object, it is proposed to add the following words after "judicial office" in article 63

over.

SUBJECT.

of the Mepore Service Regulations:—

"or, 35 years in the case of persons admitted directly from the Bar". It is also provided in the case in Madras to exempt such persons from the operation of the provisions of Article 321 of the Service Regulations. I am directed to request you to kindly submit for the approval of Government a draft of the necessary amendment to the said article.

I have etc.

M. 29/5/05

Secretary

List of enclosures,

Copied by D.G. 29/5/05

Examined by SM 29/5/05

MGCPB—5,000—20-5-04

No. 7202 Exam
Spl 115

Sl No 5 of 1905 12
Judl & Revenue DEPARTMENT. J 2533

OFFICE OF THE COMPTROLLER, MYSORE GOVT.,

Bangalore, 6 June 1905.

From

Rai. N.G. Basu Bahadur, M.A.,

Comptroller, Mysore Govt.

To

B.K. Venkatavarada Iyengar, Esq.,
Secretary to the Govt. of Mysore,

General and Revenue Depts.

Copy
sent
8.6.05

SIR,

As desired in your letter No. J.3455-C.258-4 of the 30th ultimo, I have the honour to submit for the approval of Government a draft addenda and corigenda to the Mysore Service Regulations raising the age limit of persons appointed to Judicial officers directly from the bar.

I have the honour to be,

Sir,

Your most obedient servant,

N G Basu
Comptroller.

T.G.S.

Bnd. & Revenue DEPARTMENT.

1905.

From

Rai N.G. Basu Bahadur M.A.
Comptroller, Mysore Govt.

To

B.K. Venkatavarada Iyengar Esqr
Secretary to the Govt. of Mysore.

General Revenue ~~Dept.~~

Dated
Despatched 7 } June
Received

No. 7202
Spl. No. 115
Endorsements - one.

SUBJECT MATTER

Submitting for approval of Govt. a draft addenda and corrigenda to the M.S.R. raising the age limit of persons appointed to Judicial offices directly from the Bar.

Draft of addenda and corigenda to the Mysore Service Regulations.

(Second Edition.)

Page 14. Article 43.

Insert the following words after the words "Judicial office in line 4 of this article:-

"Or 35 years in the case of persons admitted directly from the bar"

Page 98. Article 32/(a)

Insert the following as note 2 under this article:-

Note 2.- Persons appointed to a judicial office directly from the bar are exempted from the operation of this article.

Comptroller.

T.G.S.

G.R.S. 28]

7.14

C.W.K. 258.

File No.

Serial No.

Diary No. of letter replied to _____

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Courts

the 12/4/ 1905

Date of issue 12/4/05

Signed by Mr. K.S. Chandra Sekhara Aiyar

READ.—

Letter No. 5611/315 dated 12th April 1905 from the Registrar of the Chief Court of Mysore requesting that the age limit of persons appointed to the judicial offices directly from the bar may be raised from 30 to 35 and that

ORDER THEREON.—No.

the persons so appointed may be exempted, as in Madras, from the operation of art 321 of the Service Regulations.

2. Letter No. 7202/Spl 115 dated 6th June 1905, from the Comptr to the Govt of Mysore, submitting

over

SUBJECT

with reference to this office letter
No. 13655 – C 258·4 of the 30th May
1905, a draft of addenda &
Corrigenda to the Mysore Service
Regulations.

~~[Here ends from the 8th ult.]~~

Order thereon:– J 159–160 / C: 258-6 dd 12/7/05

With a view to obtaining
the services of men of experience
and training as judicial officers,
the Government consider it
desirable that the age limit
of persons appointed to such
offices directly from the bar
should be raised from 30 to 35,
and that such persons should
also be exempted from the
operation of art 321 of the Mysore Service
Regulations. The ~~draft of addenda~~ following addenda
~~& Corrigenda~~ to the said Regulations
~~received with the~~ compa
~~letter read above, and~~
~~having~~ embodying the necessary alterations
~~in the said Regulations~~ and / therefore

1/6

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

approved:—

In article 43, line 4, after the words "judicial office" insert the words "or, where the person so appointed is a member of the legal profession, to thirty five years"

under article 321 (a), insert the following as Note 2:-

"Persons appointed to the judicial offices directly from the legal profession are exempted from the operation of this article"

Print

10.6.05

10.6.05

Secretary

To the Registrar of the Chief Ct
The Comptroller & Auditor

To the Financial Branch for note & return a/b. soon

Noted & returned by the Hon. Member 12/7/05

Copied 12/7/05

Examined. 12/7/05

Asstt.

12/7. 5th Note